

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.: 5:03CR6**

UNITED STATES OF AMERICA                  )  
    )  
    )  
vs.    )    **ORDER**  
BAXTER SMITH JAMES (3),                 )  
    )  
    )  
Defendant.                                    )  
    )  
\_\_\_\_\_ )

**THIS MATTER** is before the Court on Defendant's "Motion to Disclose Presentence Report to Appellate Counsel," filed March 14, 2006.

Defendant, through counsel, seeks authorization for release of certain non-public materials in order to better prosecute his appeal before the United States Court of Appeals for the Fourth Circuit. Upon a showing of good cause and with consent of the Government, the Motion will be granted. However, Defendant and his counsel are instructed that the Presentence Report is being disclosed for the sole purpose identified within the instant Motion and this Order. Upon the conclusion of Defendant's appeal before the Fourth Circuit Court of Appeals, the Presentence Report should either be retained in counsel's files or destroyed.

**IT IS, THEREFORE, ORDERED** that Defendant's "Motion to Disclose Presentence Report to Appellate Counsel," is hereby **GRANTED**. Accordingly, the United States Probation Department is authorized to release a copy of Defendant James' Presentence Report to Attorney Stephen C. Gordon.

The Clerk is directed to forward a copy of this Order to Defendant's attorney, the United States Attorney, and United States Probation Office.

Signed: August 3, 2006



Richard L. Voorhees  
United States District Judge

